

ZB# 80-29

Nome Properties, Inc.

3-1-23.2

80-29 - Nome Properties Inc. - area - front yd.

Public Hearing:

Nov. 24, 1980

Needed: front yard variance
28 ft.

Notify County - ✓ 11/12/80
(NC zone)
(Fee paid)

GENERAL RECEIPT

4486

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

RECEIVED OF

Enterprise Sol. - Home Properties Nov. 25 1980
Fifty and 00/100 \$ 50.00
Inc. DOLLARS

FOR

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CK #50.00</u>		

BY

Pauline H. Townsend Jr
Town Clerk.

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of
NOME PROPERTIES, INC.
#80-29.

DECISION GRANTING
AREA VARIANCE

-----x
WHEREAS, NOME PROPERTIES, INC., a domestic corporation having an office at Woodridge, New York, 12789, has made application for a front yard variance of 28 ft. for property located on Route 207, NC (Neighborhood-Commercial) zone, Town of New Windsor, New York; and

WHEREAS, the purpose of the variance is to construct two (2) canopies over the existing gasoline pumps located on the premises; and

WHEREAS, a public hearing was held on the 24th day of November, 1980 before the Zoning Board of Appeals at the Town Hall, 555 Union Avenue, New Windsor, N. Y.; and

WHEREAS, the applicant was represented by MICHAEL R. GOTTLIEB, ESQ. of Markovits, Markovits, Blustein & Gottlieb, P. C., One North Street, Middletown, New York 10940, and John J. Alsfeld of Enterprise Solutions, Inc., P. O. Box 300, Cornwall, N. Y. 12518; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The application requested 28 ft. front yard variance for construction of two (2) canopies over the existing gasoline pumps at

the above location.

3. The evidence shows that the variance sought will result in no appreciable additional population or strain on existing governmental facilities.

4. The evidence shows that the variance sought will not alter the general character of the neighborhood.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The applicant will encounter practical difficulty if the area variance is not granted.

2. The proposed area variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor grant a 28 ft. front yard variance to the applicant in accordance with plans and specifications submitted.

BE IT FURTHER, RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Planning Board, Town Clerk and applicant's attorney.

Dated: December 8, 1980

Chairman

(914) 565-8550

November 25, 1980

MARKOVITS, MARKOVITS, BLUSTEIN
& GOTTLIEB, P. C.
One North Street
Middletown, N. Y. 10940

Attn: Michael R. Gottlieb, Esq.

RE: APPLICATION FOR VARIANCE - NOME PROPERTIES

Dear Mr. Gottlieb:

This is to confirm that the above application for a variance was granted at the November 24th meeting of the Zoning Board of Appeals.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours, -

PATRICIA DELIO, Secretary
New Windsor Zoning Bd. of Appeals

/pd

cc: Town Planning Board
Town Building Inspector
Enterprise Solutions, Inc. - Attn: Mr. John J. Alsfeld

11/24 - Public Hearing - Home Industries 86-29.

Name:	Address:
Joseph J. Casella	New Windsor NY
Michael J. Casella	Middleboro NY

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-29.
(Number)

11/10/80.
(Date)

I. ✓ Applicant information:

- (a) NOME PROPERTIES, INC., Woodridge, New York 12789
(Name, address and phone of Applicant)
- (b) Same owner
(Name, address and phone of purchaser or lessee)
- (c) MICHAEL R. GOTTLIEB, One North St., Middletown, New York 10940
(Name, address and phone of attorney)
- (d) N/A
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

✓ III. Property information:

- (a) NC Little Britain Rd. 3-1-23.2 187 x 179
(Zone) New Windsor, N.Y. (S.B L) (Lot size)
(Address)
- (b) What other zones lie within 500 ft.? P-1
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Yes
- (e) Has property been subdivided previously? yes When? 6-7-80
- (f) Has property been subject of variance or special permit

80-29
(Number)

11/10/80
(Date)

I. ✓ Applicant information:

- (a) NOME PROPERTIES, INC., Woodridge, New York 12789
(Name, address and phone of Applicant)
- (b) Same owner
(Name, address and phone of purchaser or lessee)
- (c) MICHAEL R. GOTTLIEB, One North St., Middletown, New York 10940
(Name, address and phone of attorney)
- (d) N/A
(Name, address and phone of broker)

II. Application type:

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- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

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- (a) NC Little Britain Rd. 3-1-23.2 187 x 179
(Zone) (Address) (S.B. L) (Lot size)
- (b) What other zones lie within 500 ft.? P-1
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Yes
- (e) Has property been subdivided previously? Yes When? 6-7-80
- (f) Has property been subject of variance or special permit previously? No When?
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No. If so, when
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. No

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk Regs. Column 6

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
✓ Req'd. Front Yard <u>40'</u>	<u>12'</u>	<u>Front yard requiremen</u>
Req'd. Side Yards _____	_____	_____
Req'd. Rear Yard _____	_____	_____
Req'd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V.

Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk Regs, Column 6

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
✓ Req'd. Front Yard 40'	12'	Front yard requiremen
Req'd. Side Yards		
Req'd. Rear Yard		
Req'd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Development Coverage* %	%	%
Floor Area Ratio**		

* Residential districts only

** Non-residential districts only

- ✓ (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Premises operated as a self service gasoline station.

In order to properly operate the premises and protect customers from weather, canopies are required over the gasoline pumps. The canopies cannot be constructed without the granting of relief from the front yard set-back requirement.



VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

In order to properly operate the premises and protect customers from weather, canopies are required over the gasoline pumps. The canopies cannot be constructed without the granting of relief from the front yard set-back requirement.

☐ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

_____.

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

☒ IX. Attachments required:

- ☒ X Copy of letter of referral from Building and Zoning Inspector.
- ☒ X Copy of contract of sale, lease or franchise agreement.
- ☒ X Copy of tax map showing adjacent properties
- ☒ X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ X Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.

Photos of exist.

- (b) Describe in detail the use and structures proposed for the special permit.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)



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- ☒ X Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

X. AFFIDAVIT

Date

11/10/80

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

(Applicant)

Sworn to before me this

10 day of November, 1980.

MICHAEL R. GOTTLIEB
Notary Public, State of New York
Sullivan County Clerk's #1100
Commission Expires March 30, 1982

XI. ZBA Action:

- (a) Public Hearing date _____
(b) Variance is _____
Special Permit is _____
(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY

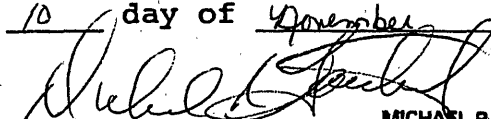
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

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(b) Variance is _____

Special Permit is _____

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



COUNTY OF ORANGE

LOUIS HEIMBACH, County Executive

Department of Planning

124 MAIN STREET (1887 Building)
GOSHEN, NEW YORK 10924
TEL. (914) 294-5151

Peter Garrison, Commissioner

Richard S. DeTurk, Deputy Commissioner

November 20, 1980

Mr. Vincent Bovona, Chairman
Town of New Windsor Zoning Board of Appeals
Town Hall
New Windsor, New York 12550

Re: Variance - Nome Properties - Route 207
File No: NWT-15-80M

Dear Mr. Bivona:

We have reviewed the above application in accordance with the provisions of Section 239, L and M, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination.

Very truly yours,

Peter Garrison
Commissioner of Planning

Reviewed by: Joel Shaw
Senior Planner

PG/mh

RECEIVED
ATTORNEY'S OFFICE /2BA
TOWN OF NEW WINDSOR

NOV 24 1980

By:

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS BEFORE ZBA - November 24, 1980
DATE: November 19, 1980

There will be three (3) public hearings to be heard before the ZBA on Monday evening, November 24, 1980, starting at 8 p.m.:

(See attached agenda sheet)

I have enclosed herewith copies of the pertinent applications together with a copy of the public hearing notices in each matter.

Pat

/pd

Attachments

cc: Howard Collett, Building/Zoning Inspector

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-33A of the
Zoning Ordinance on the following proposition:

Appeal No. 29

Request of NOME PROPERTIES, INC.

for a VARIANCE ~~XXXXXXXXXXXX~~ of
the regulations of the Zoning Ordinance to
permit erection of two (2) canopies over
existing gasoline pumps

being a VARIANCE ~~XXXXXXXXXXXX~~ of
Section 48-12 - Table of Bulk Regs. - Col. 6
for property situated as follows:

556 Little Britain Road, Route 207, Town of
New Windsor, N. Y.

SAID HEARING will take place on the 24th day of
November, 1980, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
8 o'clock P. M.

VINCENT BIVONA
Chairman

John Alsfeld
496-5193 - LA 2 3 - 100
PO Box 300
Cornwall -

Prelim.
Meeting -
11/10/80.
(4)

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

80-29.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date OCTOBER 17, 1980

To NOME PROPERTIES INC.
556 LITTLE BRITAIN ROAD
NEW WINDSOR, N.Y.

(Palozzo's) -

PLEASE TAKE NOTICE that your application dated OCTOBER 15, 1980
for permit to ERECT TWO CANOPIES OVER EXISTING GASOLINE PUMPS
at the premises located at 556 LITTLE BRITAIN ROAD

is returned herewith and disapproved on the following grounds:

NC ZONE REQUIRES 40' FRONT YARD DEPTH

PROPOSED PLAN INDICATES 12 FEET

Needs 28'.

Howard R. Christ
Building Inspector

40
120
281



**SANTACROCE'S
PHOTO STUDIO**

8 Wood Terrace Newburgh, NY 12550
Phone 561-7961

RT. 207

Nov. 5, 1980

JL.



**SANTACROCE'S
PHOTO STUDIO**

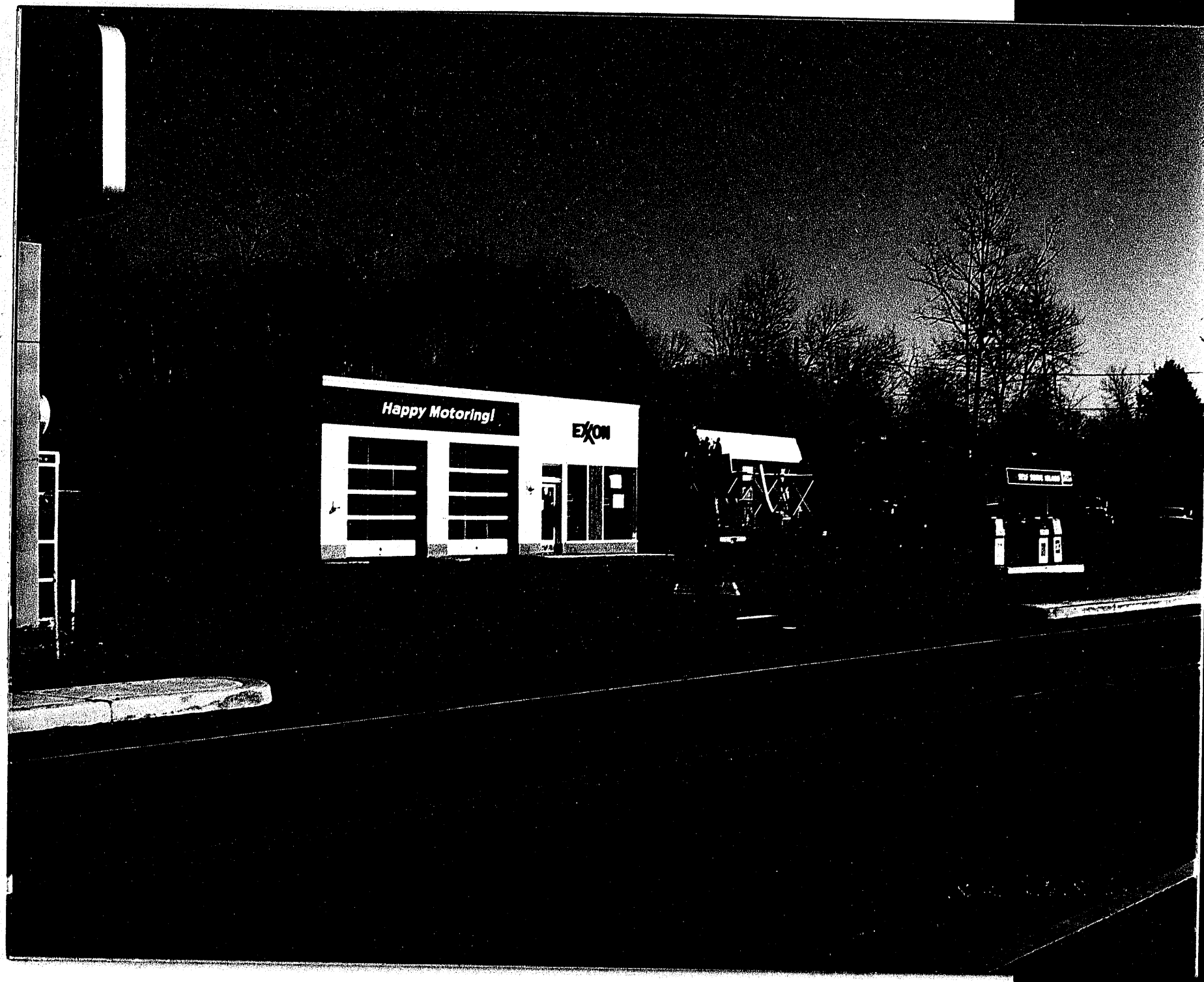
8 Wood Terrace Newburgh, NY 12550
Phone 561-7961

RT. 207

Nov. 5, 1980

JS

80-29



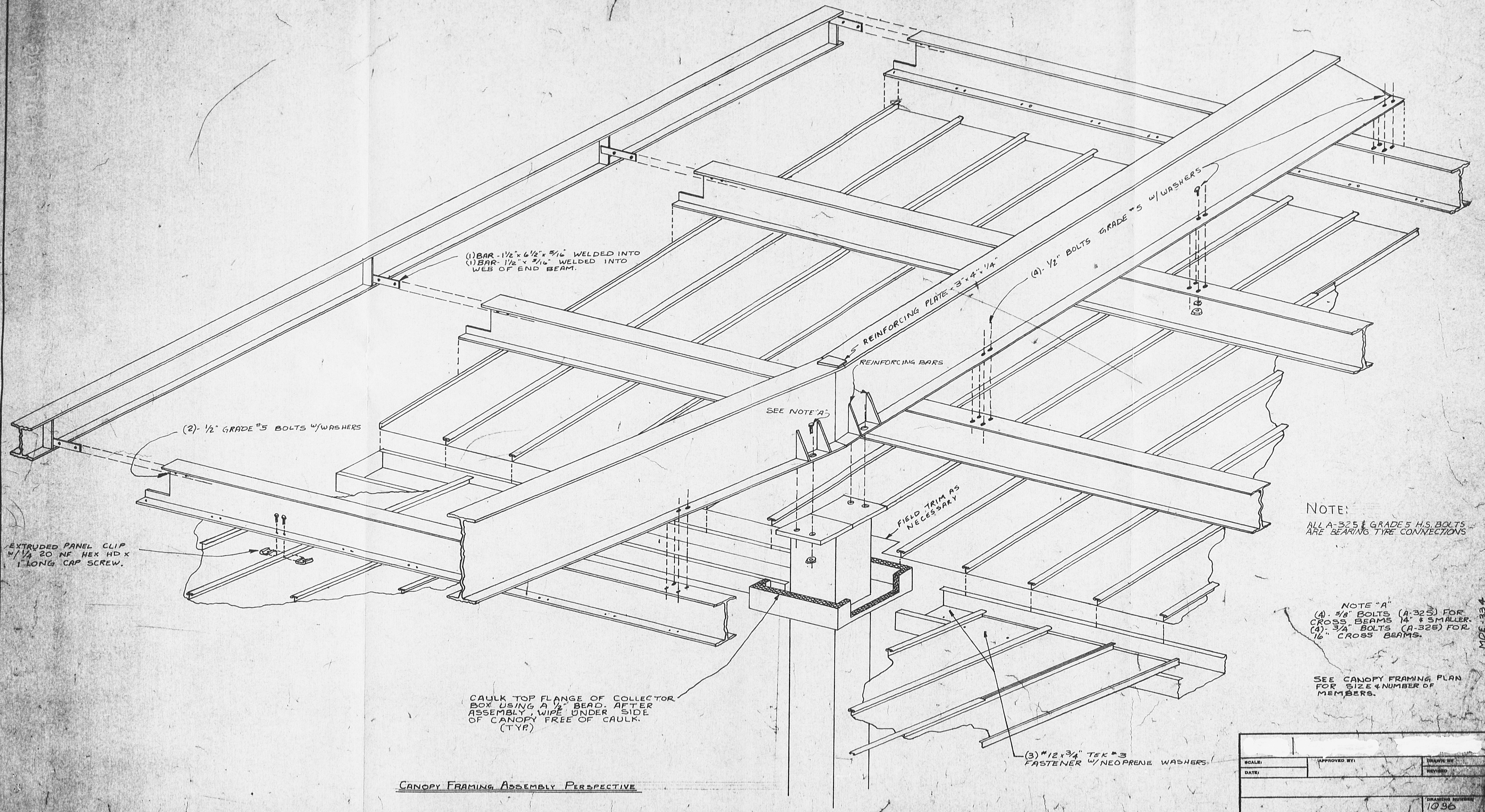
**SANTACROCE'S
PHOTO STUDIO**

8 Wood Terrace Newburgh, NY 12550
Phone 561-7961

RT. 207

Nov. 5, 1980

J.S.



CANOPY FRAMING ASSEMBLY PERSPECTIVE

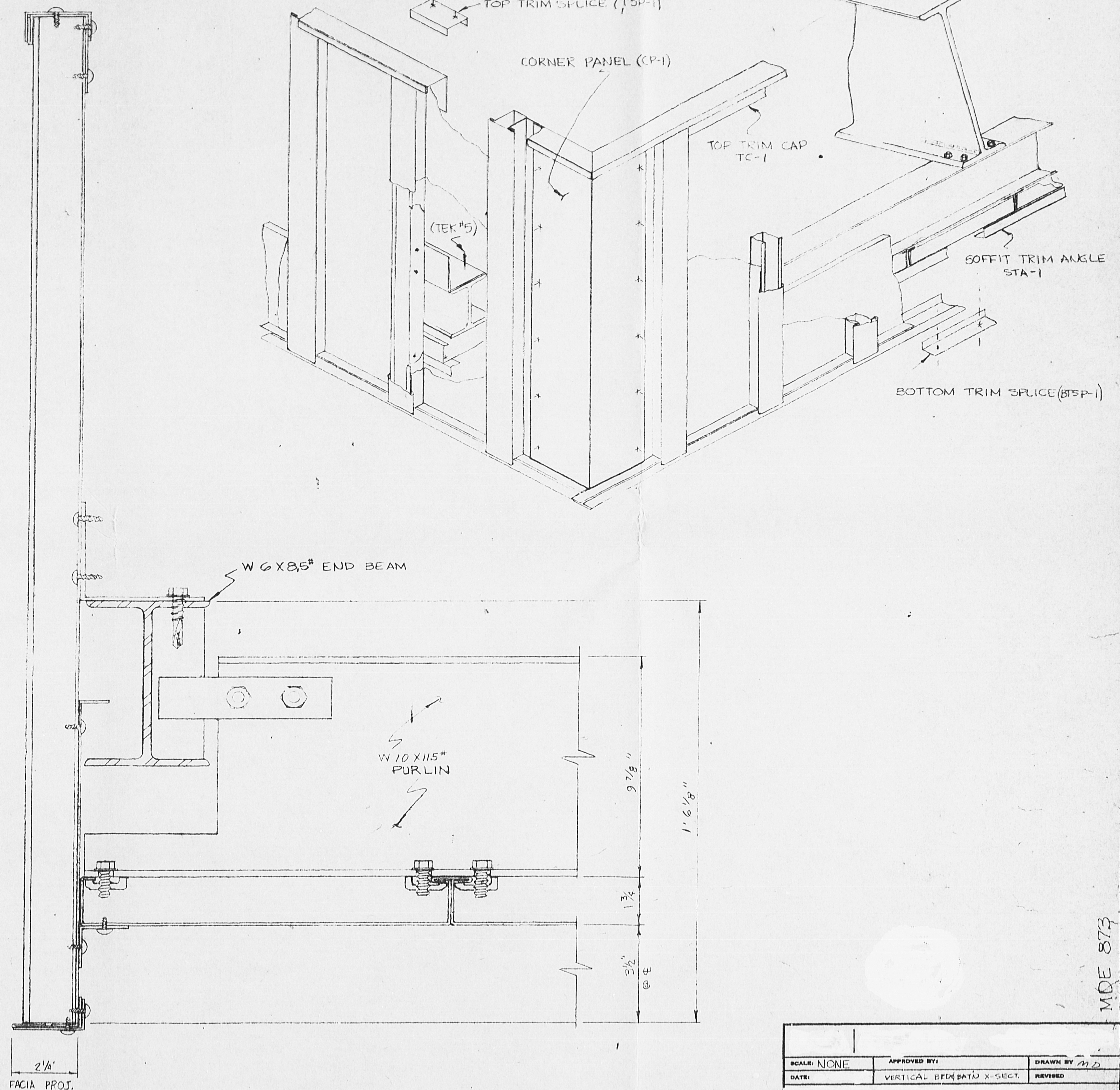
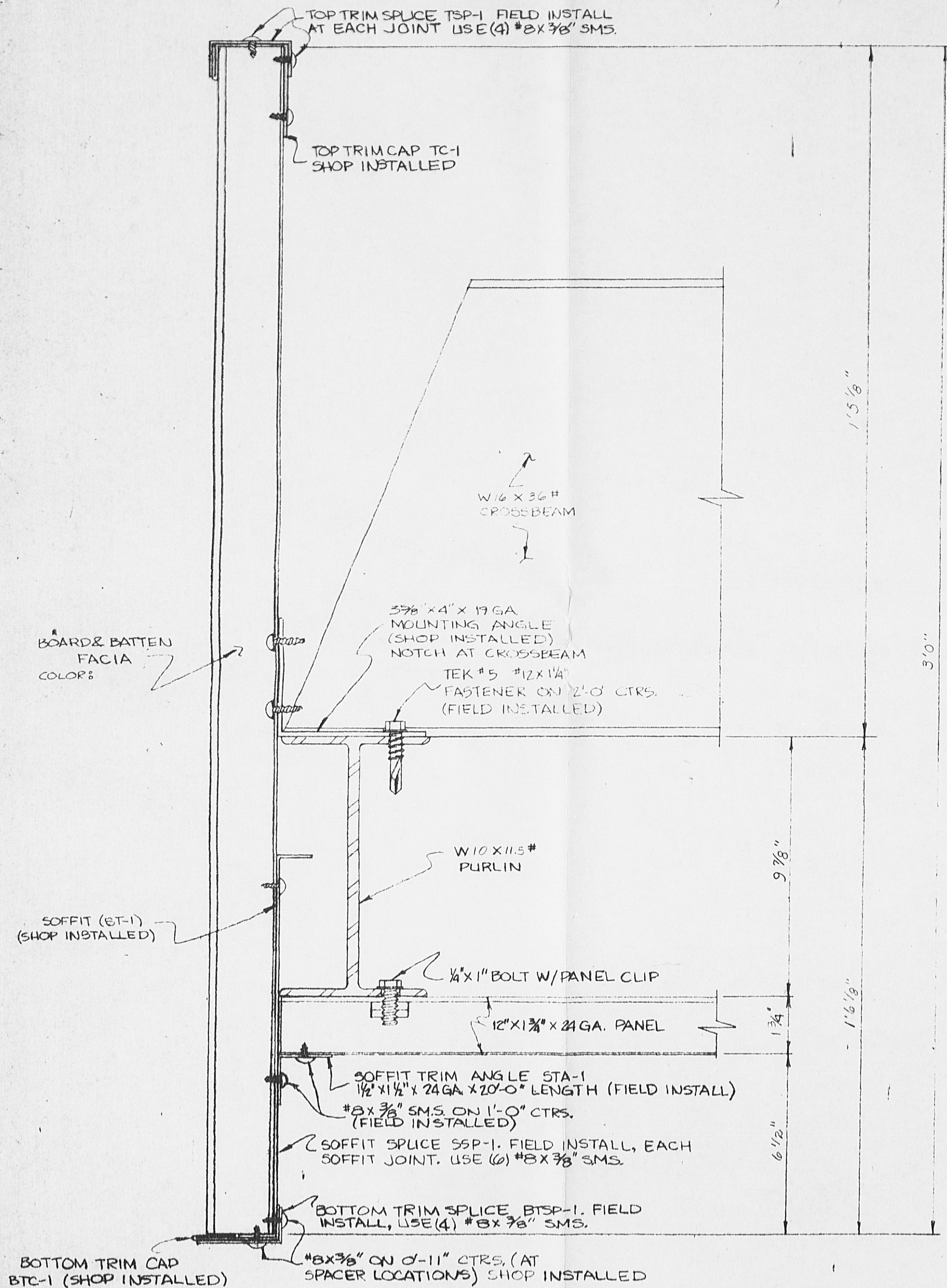
NOTE:
ALL A-325 & GRADE 5 H.S. BOLTS
ARE BEARING TYPE CONNECTIONS

NOTE "A"
(4) 5/8" BOLTS (A-325) FOR
CROSS BEAMS 14" & SMALLER.
(4) 3/4" BOLTS (A-325) FOR
16" CROSS BEAMS.

SEE CANOPY FRAMING PLAN
FOR SIZE & NUMBER OF
MEMBERS.

SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVIEWED:
		DRAWING NUMBER:
		1036

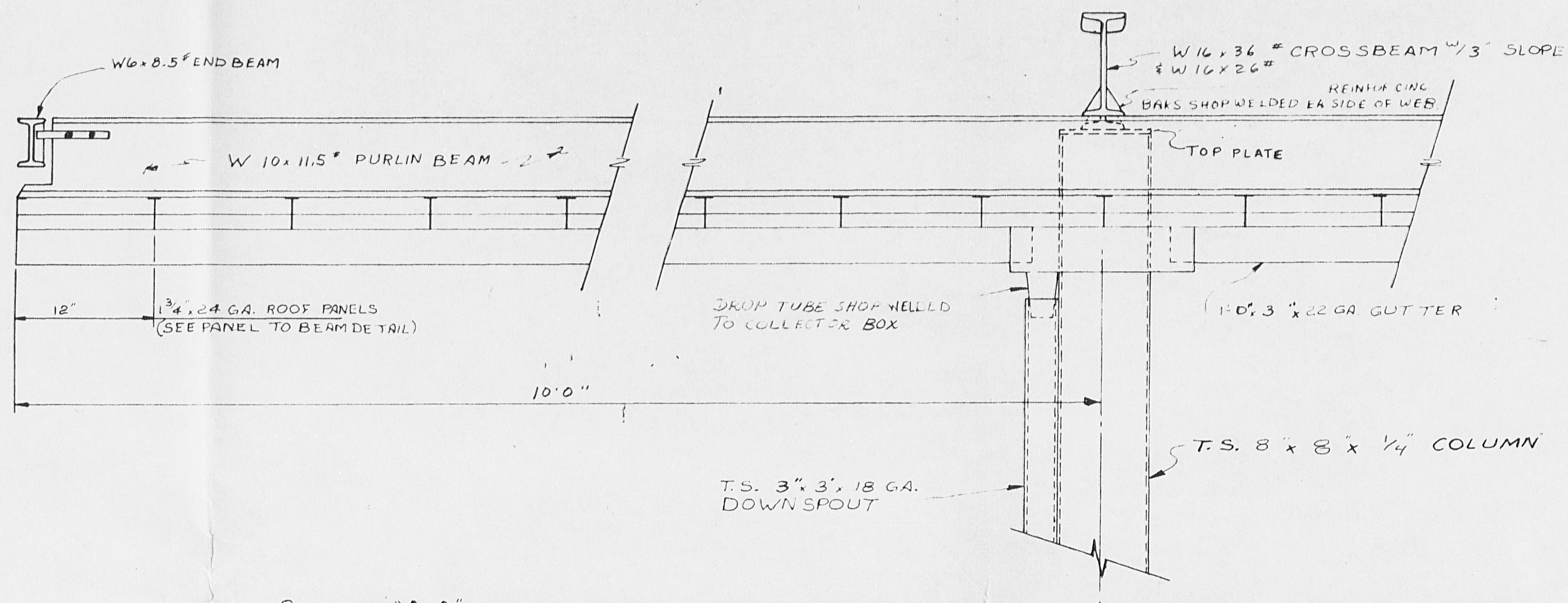
MDE-334



SCALE: NONE	APPROVED BY:	DRAWN BY: M.D.
DATE:	VERTICAL BFD (BATH) X-SECT.	REVISED
20'4 1/2" X 56'4 1/2" 3 COL. CANOPY-36" VERT. B4B FASIDE		
PERMIT DWG NO. 4 OF 4		
DRAWING NUMBER: K-2047		

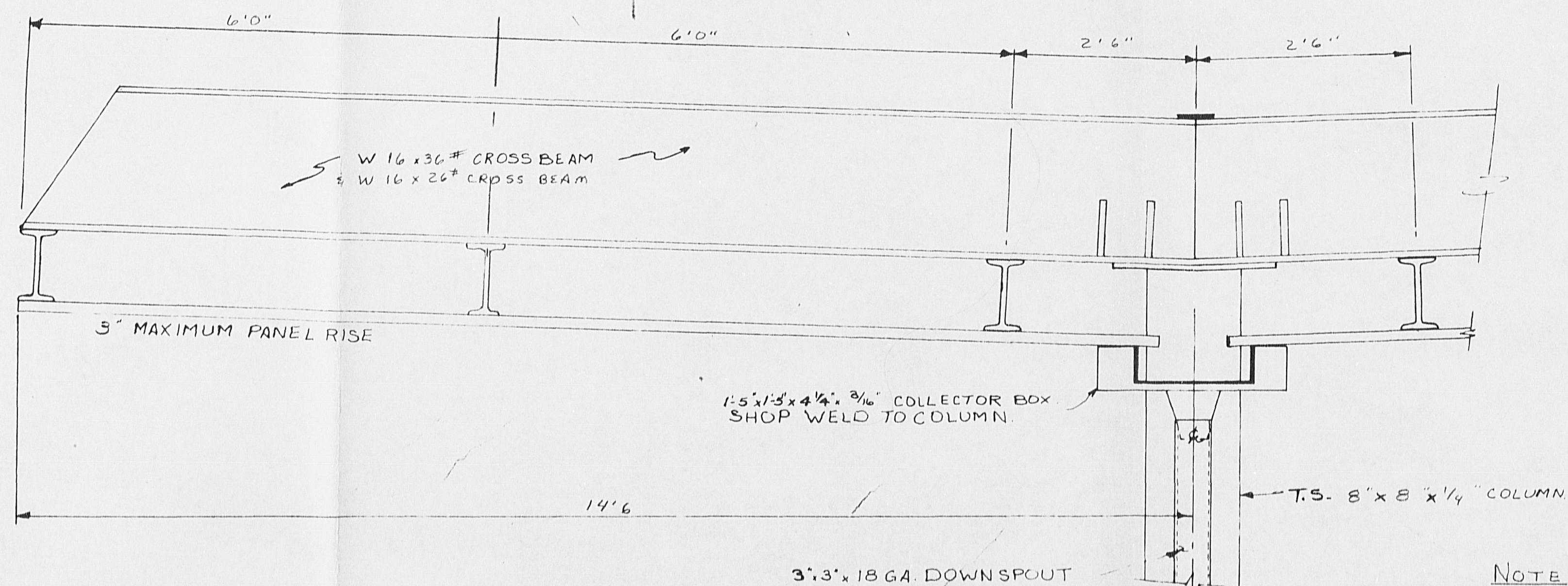
MDE 873

FOR FACADE SEE
DWG. # 4 OF 4
SECTION Y-Y



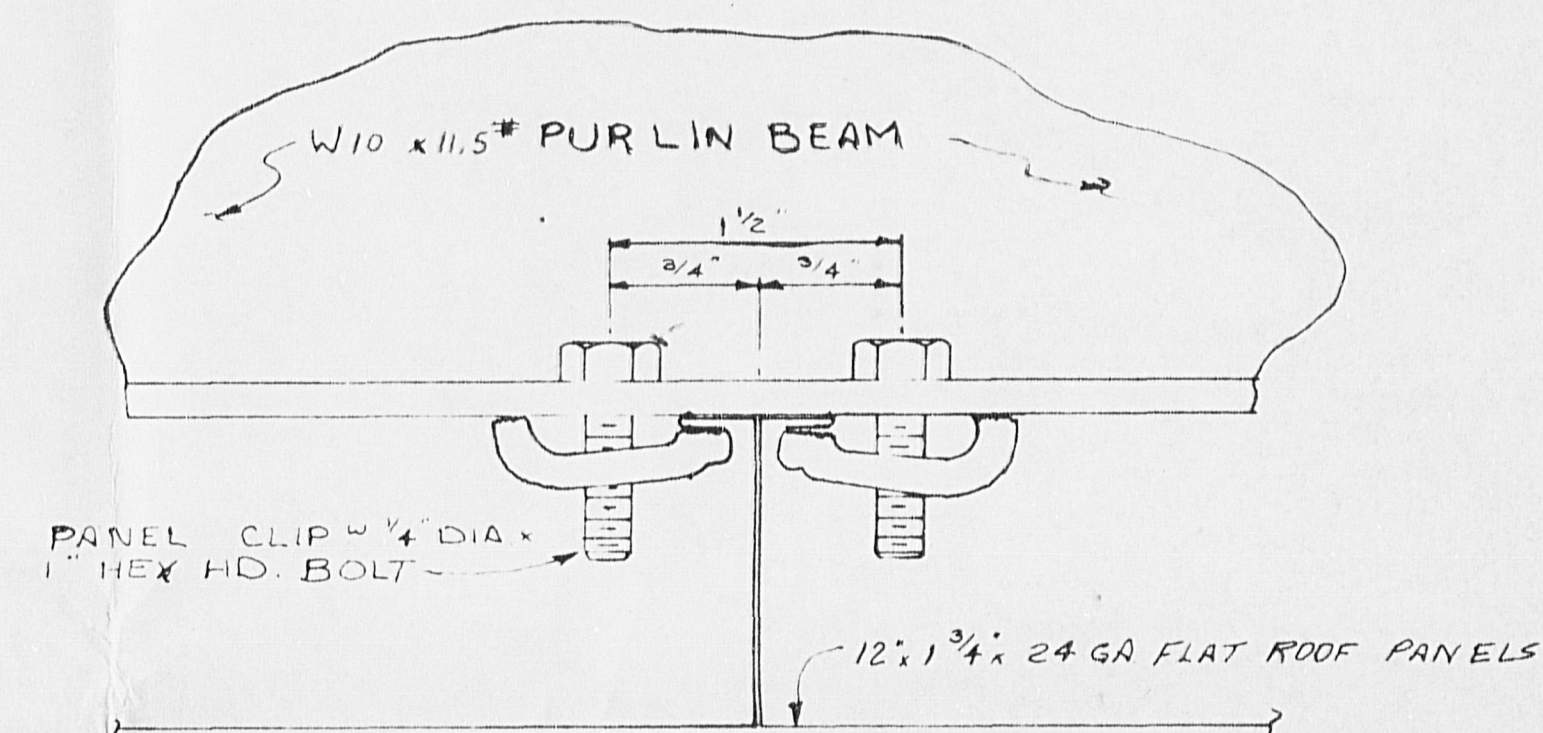
SECTION "A-A"
(SEE DWG. # 2 OF 4)

FOR FACADE SEE
DWG. # 4 OF 4,
SECT. Y-Y.



SECTION "B-B"
(SEE DWG. # 2 OF 4)

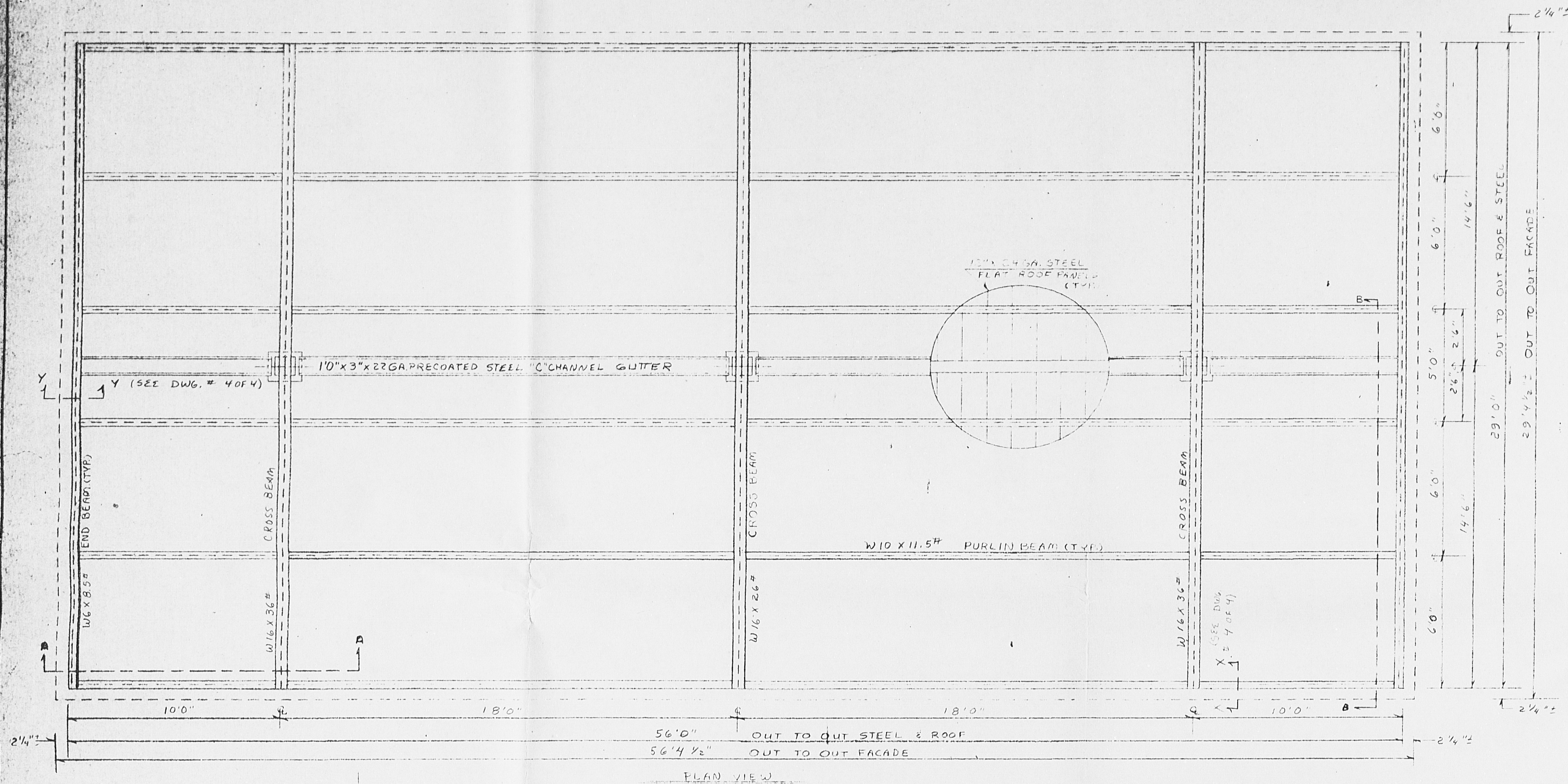
NOTE:
ALSO SEE STANDARD DRAWING SDC-1036



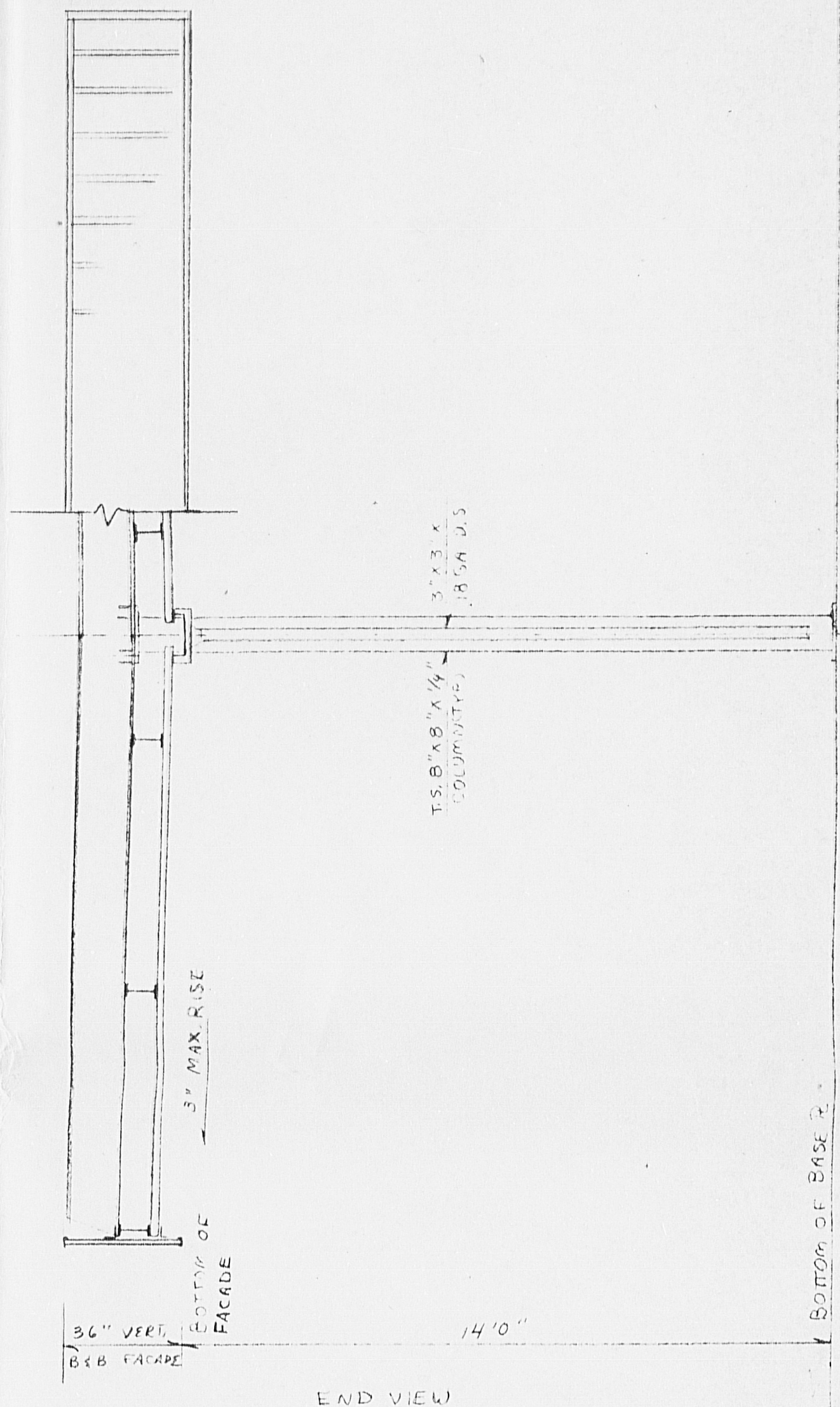
PANEL TO BEAM DETAIL

SCALE: NONE	APPROVED BY:	DRAWN BY: MD
DATE:	REVISOR:	
29'4 1/2" x 56'4 1/2" 3 COL. CANOPY-36" VERT. BARS FACADE		
PERMIT DWG. No 304	DRAWING NUMBER	K-2941-C

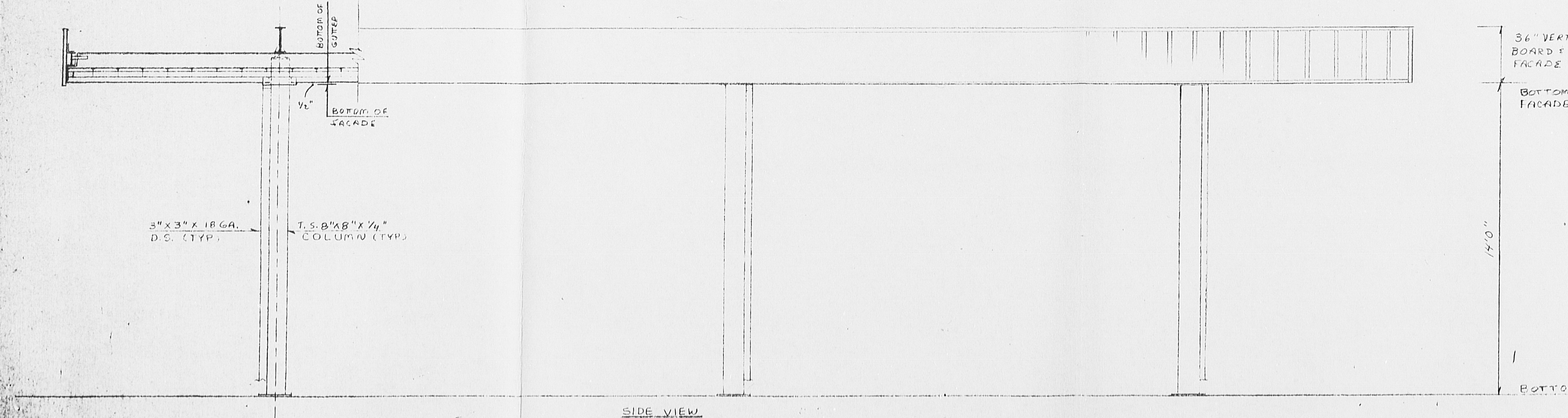
NDE 455-B



PLAN VIEW



END VIEW



SIDE VIEW

36" VERTICAL BOARD & BATTEN FACADE
BOTTOM OF FACADE

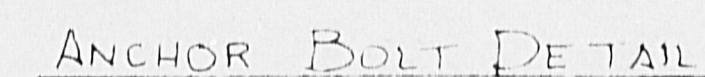
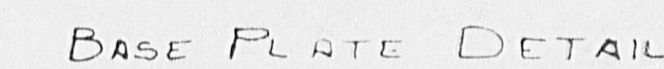
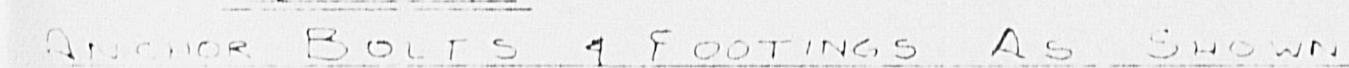
Designed to withstand the following loads without exceeding the allowable stresses as specified by the American Institute of Steel Construction or the Light Gauge Cold Formed Steel Design Manual of the American Iron and Steel Institute, whichever is applicable:

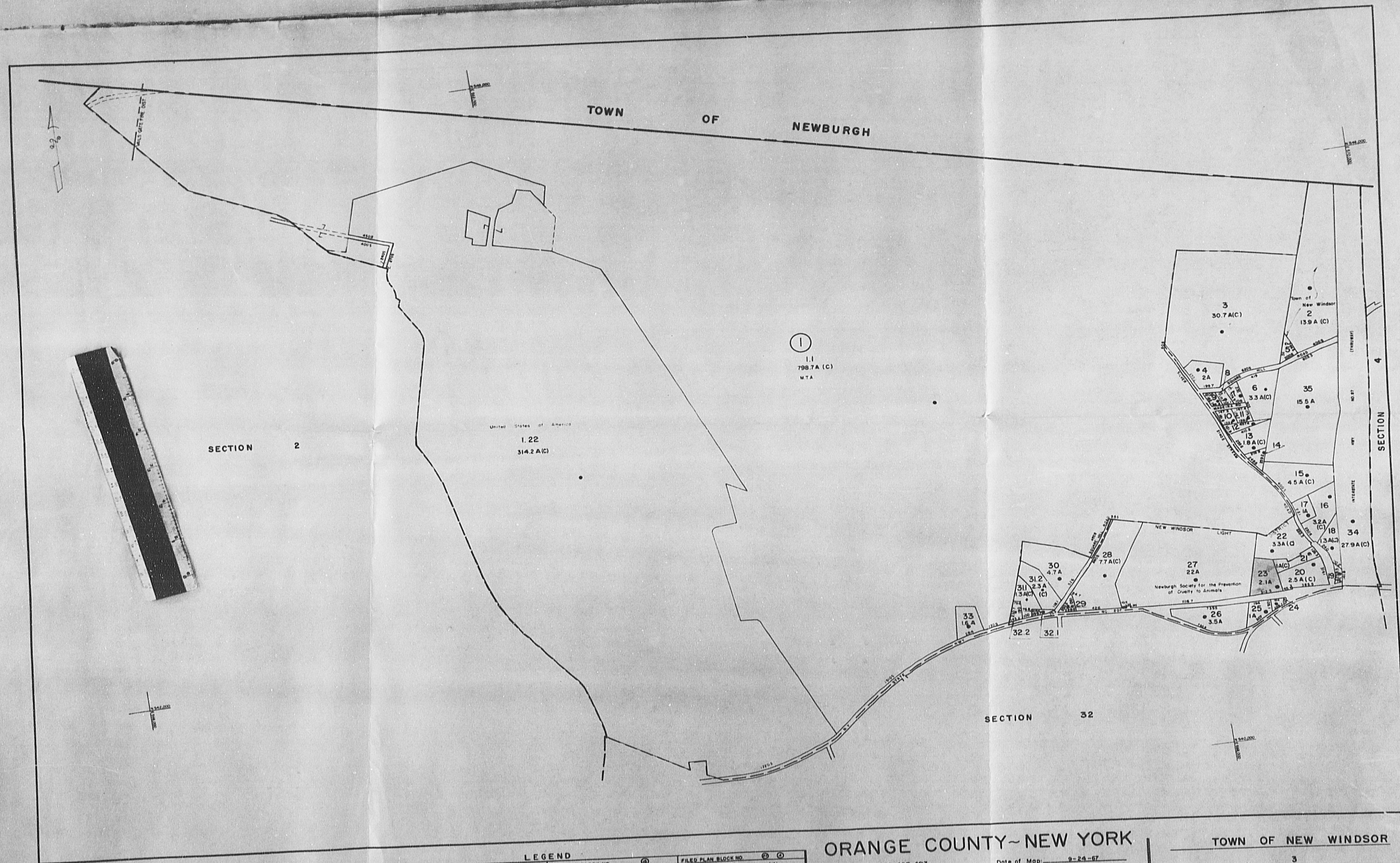
Roof Live Load: 40 P.S.F.

Wind Load: 25 P.S.F.

SCALE: NONE	APPROVED BY:	DRAWN BY: M.D.
DATE:		REVISED:
29'4 1/2" x 56'4 1/2" 3 COL (S.R.) CANOPY 36" VERT. B&B FACADE		
PERMIT DWG. # 2 OF 4		DRAWING NUMBER K-2941-C

MDE 839



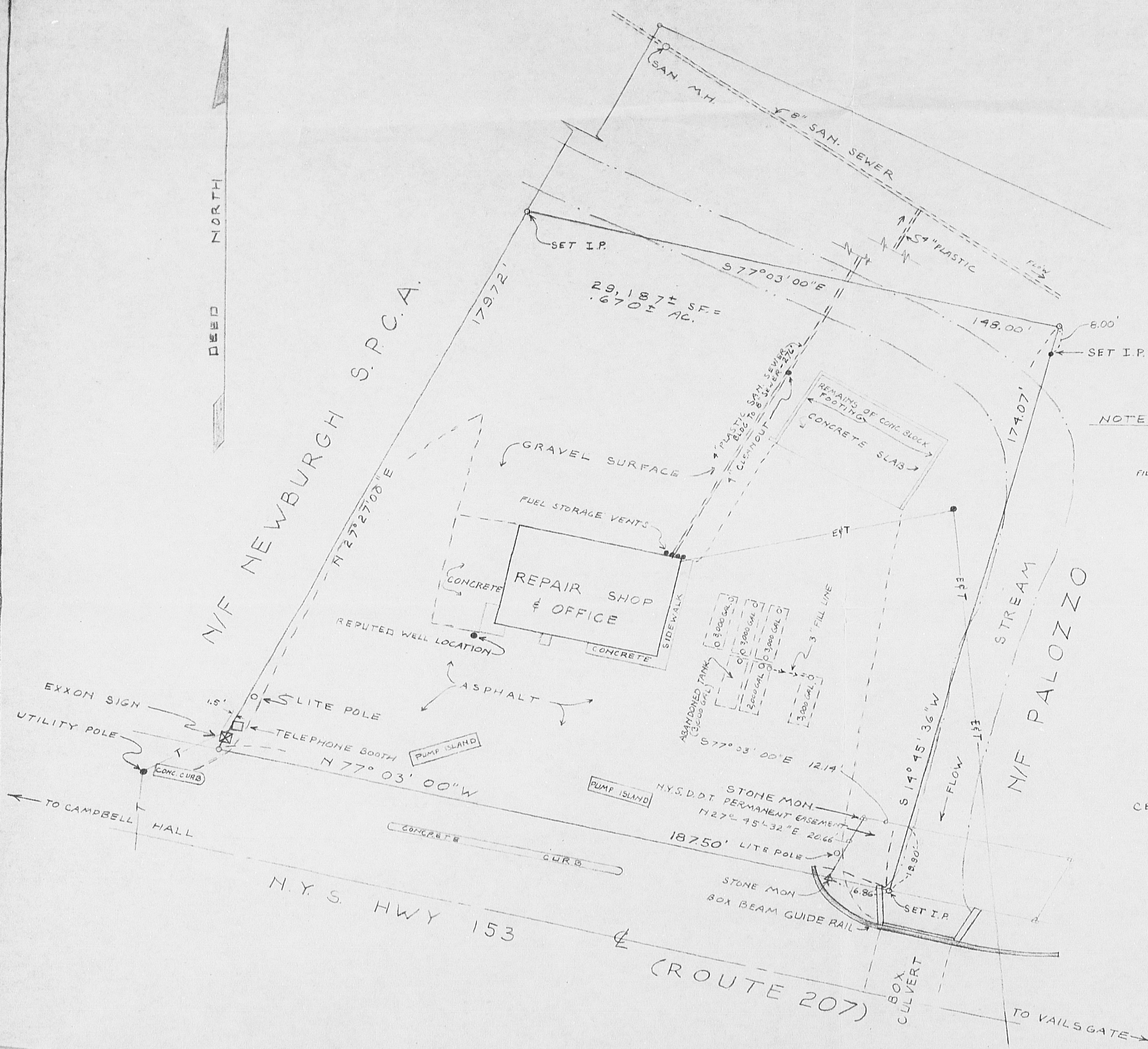


Prepared by
AERO SERVICE CORPORATION
 A DIVISION OF LITTON INDUSTRIES
 4010 VAN KLEEF ST. PHILADELPHIA, PA. 19104
FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO. 31	FILED PLAN BLOCK NO. 31
CITY, TOWN OR VILLAGE LINE	CARKMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREA (Deed) 1.1A (Requested) 1.1A(C)	STATE HIGHWAYS N.Y. STATE HWY. NO. 17
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) 6.6 (Scaled) 7.5	COUNTY HIGHWAYS COUNTY HWY. NO. 4
PROPERTY LINE			TOWN ROADS TOWN RD. 1

ORANGE COUNTY~NEW YORK
 Photo No. B-499,498,497
 Date of Photo 3-1-65
 Date of Map 9-24-67
 Date of Revision 3-31-80
 Scale 1" = 400'

TOWN OF NEW WINDSOR
 Section No. 3



NOTES:

LEGEND

- T TELEPHONE O'HEAD LINE
- E&T ELECT. TELE. O'HEAD LINE
- FILL CAP 2 3,000 GAL. 3,000 GAL. U'GROUND FUEL STORAGE

2. DATA ON TANK CAPACITIES FROM OWNER
3. WELL LOCATION FROM OWNER
4. FUEL STORAGE TANKS VENTED & TIED TO PUMP ISLANDS VIA UNDERGROUND PIPING. LOCATION OF THIS PIPING NOT KNOWN.
5. DATE OF SURVEY 10-12-80
6. OWNER: CHESTER PALOZZO
SILVER STREAM ROAD
NEW WINDSOR, NEW YORK 12550

CERTIFIED CORRECT TO:
NOME PROPERTIES, INC. &
THE AMERICAN TITLE INSURANCE CO.

JOHN J. DRAGAN, L.S.



LANDS OF PALOZZO

TOWN OF NEW WINDSOR ORANGE CO., N.Y.
SCALE 1" = 20'
OCTOBER 15, 1980
BY: J. J. DRAGAN, L.S.

JOHN J. DRAGAN, L.S.
PERRY CREEK ROAD
WASHINGTONVILLE N.Y.
L.S. NO 49170

UNAUTHORIZED ALTERATION OR ADDITION
TO THIS PLAN IS A VIOLATION OF
SECTION 7209 (2) OF THE NEW YORK
STATE EDUCATION LAW

Section-3 Block-1 Lot 23 Subdivided

Lot 1

Lands of Palazzo

Section-3 Block-1 Lot 23-Subdivided

29,186' ± AC

Lot 2

North

Graveled Drive + Parking Area

Existing
Cinder Block
2-Bay Service Station
Building
48' x 30' ±

New Canopy
52' x 24' ± 14' Clearance

New Gasoline Pump Island
3 Dual Pumps

New Canopy
20' x 14' ± 14' Clearance

Canopy Column

Concrete Mats

Black top Paving

Existing Gasoline Pump Island
3 Dual Pumps

Existing Yard Lighting

Lands of Palazzo

Silver Stream
Creek

Lands of Newburgh S.P.C.A.

Existing Yard
Lighting

Existing Phear
Booth

Existing Sign Pole
50 Square Feet

Existing Gasoline
Pump Island
3 Dual Pumps

Blacktop Paving

Electric Pole

NYS Installed Concrete
Curbing

To Stewart Airport

Route 207 Little Britain Road

To Newburgh

Site Plan-Modifications of
Existing Gasoline Marketing +
Garage Facility
To "Big Saver" Convenience Mart
Request For Front-Yard Setback
Variance of 28' For Erection
of 2 Canopies over Existing
Gasoline Pump Islands
Zoning N/C Permitted Use-Special Permit
Sanitary Service-Town Sewerage

NOME PROPERTIES INC			
DATE	10/15/80	DRAWN BY	J.W.A.
SCALE	1" = 10'	REVISED	
Route 207 Little Britain Rd			APPROVED BY
New Windsor N.Y.			L.S.
DRAWING NUMBER			I